

ORDINANCE NO. 2791 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER TO EXECUTE A POWER DISTRIBUTION EASEMENT IN FAVOR OF SALT RIVER PROJECT AT 43<sup>RD</sup> AND PEORIA AVENUES; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.

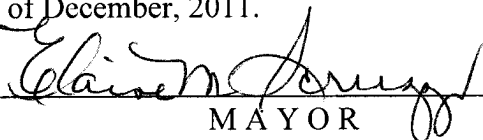
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the City Council hereby approves the power distribution easement and all the terms and conditions thereto and directs that the City Manager for the City of Glendale execute said document granting Salt River Project an easement upon, across, over and under the surface of certain property located within existing City property, in the form attached hereto as Exhibit A. The legal description is contained in the Easement.

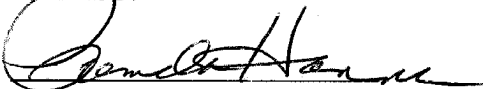
SECTION 2. That the City hereby reserves the right to use the power distribution easement premises in any manner that will not prevent or interfere with the exercise by Salt River Project of the rights granted hereunder; provided, however, that the City shall not obstruct, or permit to be obstructed, the easement premises at any time whatsoever without the express prior written consent of Salt River Project.

SECTION 3. That the City Clerk be instructed and authorized to forward a certified copy of this ordinance for recording to the Maricopa County Recorder's Office.

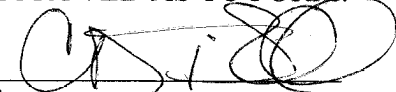
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 13th day of December, 2011.

  
MAYOR

ATTEST:

  
City Clerk (SEAL)

APPROVED AS TO FORM:

  
City Attorney

REVIEWED BY:

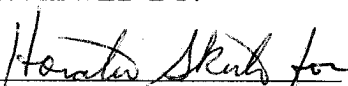
  
City Manager

EXHIBIT-FOR REFERENCE ONLY

WHEN RECORDED MAIL TO:

**SALT RIVER PROJECT**

Land Department/PAB400

P. O. Box 52025

Phoenix, Arizona 85072-2025

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**POWER DISTRIBUTION EASEMENT**

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Maricopa County

148-03-008L and 008V & Intersection of 43<sup>rd</sup> Ave and Peoria Ave

SE ¼ SEC 21, T3N, R2E

NE ¼ SEC 28, T3N, R2E

Agt. KB

Job # KJ2-687

W KB C WLG

**CITY OF GLENDALE, an Arizona municipal corporation,**

hereinafter called Grantor, for and in consideration of the sum of One Dollar, and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, its agents, employees, contractors and permittees and its and their respective successors and assigns, hereinafter called the Grantee, a non-exclusive easement in, upon, over, under, across, through and along the lands hereinafter described (such lands hereinafter described being sometimes referred to herein as the "Easement Parcel") to construct, install, reconstruct, replace, remove, repair, operate and maintain underground electrical conductors, conduits, pipes, cables, vaults, pads, switching equipment, enclosures, manholes and transformers and all other appliances, appurtenances and fixtures (collectively "Facilities") for the transmission and distribution of electricity and for all other purposes connected therewith at such locations and elevations, in, upon, over, under, across, through and along the Easement Parcel as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of ingress and egress to, from, across and along the Grantor's Property.

The lands in, upon, over, under, across, through and along which this easement is granted are situated in the County of Maricopa, State of Arizona, and are more particularly described as:

**Grantor's Property #1:**

A portion of road right of way situated in Southeast quarter of Section 21, Township 3 North, Range 2 East and a portion of land located in the Northeast quarter of Section 28, Township 3 North, Range 2 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as conveyed in the recorded **HAPPY VILLAGE MALL**, according to the Book 213 of Maps, Page 43, records of Maricopa County.

**EXHIBIT-FOR REFERENCE ONLY**

**Grantor's Property #2:**

That part a parcel conveyed to the City of Glendale situated in a portion of the Southeast quarter of the Southeast quarter of Section 21, Township 3 North, Range 2 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying South and West of the Arizona Canal Right of Way; as conveyed in Docket 9204 Page 821, Records of Maricopa County, Arizona and as conveyed in Special Warranty Deed #2007-0145918, Official Records of Maricopa County, Arizona.

**Easement Parcel:**

Said easement being a strip of land 8.00 feet in width, lying 4.00 feet on each side of the line described as "CENTERLINE OF 8' EASEMENT" delineated on Exhibit "A" (43RD AVE / PEORIA, SRP Job No. KJ2-687), prepared by Salt River Project A.I. & Power District, dated 09-22-11, said Exhibit "A" attached hereto and made a part hereof. Said easement ALSO to include the equipment pad area as described and/or depicted on said Exhibit "A".

**EXCEPTING** therefrom, any portion of the Easement described herein that falls outside of the above-described Grantor's Property.

**CAUTION:** Facilities placed within the Easement Parcel may contain high voltage electrical equipment. Notice is hereby given that the location of underground electrical conductors or facilities must be verified as required by Arizona Revised Statutes, Section 40-360.21, et. seq., Arizona Blue Stake Law, prior to any excavation.

Grantor shall maintain a clear area that extends 3.00 feet from and around all edges of all transformer pads and other equipment pads, and a clear operational area that extends 12.00 feet immediately in front of all transformer and other equipment openings. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed within said areas.

Grantor shall not construct, install or place, or permit to be constructed, installed or placed any building or other structure, plant any trees, drill any well, store materials of any kind, or alter ground level by cut or fill, within the area of the Easement Parcel.

Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation on, the Easement Parcel whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

By accepting this easement, Grantee agrees to restore the surface of the Easement Parcel upon completion of the initial installation and any subsequent construction, reconstruction, repair or maintenance work that may be required.

**EXHIBIT-FOR REFERENCE ONLY**

In the event Grantee records a document to formally abandon the easement granted herein, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of and shall be binding on the heirs, administrators, executors, personal representatives, legal representatives, successors (including successors in ownership and estate), assigns and lessees of the Grantor and Grantee.

**THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK**

EXHIBIT-FOR REFERENCE ONLY

IN WITNESS WHEREOF, **CITY OF GLENDALE**, an Arizona municipal corporation, has caused its name to be executed by its duly authorized representative(s), this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**CITY OF GLENDALE**, an Arizona municipal corporation

\_\_\_\_\_  
Ed Beasley, City Manager

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
Craig Tindall, City Attorney

\_\_\_\_\_  
Pamela Hanna, City Clerk

STATE OF ARIZONA       )  
                                  ) ss.  
COUNTY OF MARICOPA   )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by Ed Beasley, City Manager for the **CITY OF GLENDALE**, an Arizona municipal corporation of the State of Arizona, on behalf of the corporation for the purposes therein contained.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

**Note: This instrument is exempt from the real estate transfer fee and affidavit of legal value required under A.R.S. Sections 11-1132 and 11-1133 pursuant to the exemptions set forth in A.R.S. Sections 11-1134(A)(2) and (A)(3).**

## City of Glendale

### Exhibit "A"

An underground electrical easement, 8.00 feet in width, 4.00 feet on each side of the following described centerline, located in a portion of Sections 21 and 28, Township 3 North, Range 2 East, Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows;

Commencing at the Northeast corner of said Section 28, a brass cap flush, from which the North Quarter corner of said Section 28, a brass cap in hand hole, bears North 89 degrees 51 minutes 31 seconds West (NAD83 basis of bearings), a distance of 2633.90 feet;

thence along the north line of said Section 28, North 89 degrees 51 minutes 31 seconds West, a distance of 120.43 feet to the **Point of Beginning** and Point "A";

thence departing said north line, North 00 degrees 36 minutes 36 seconds West, a distance of 38.01 feet;

thence North 30 degrees 09 minutes 39 seconds West, a distance of 5.83 feet to Point "B";

thence continuing, North 30 degrees 09 minutes 39 seconds West, a distance of 2.28 feet to the north line of the south 45 feet of said Section 21;

thence continuing, North 30 degrees 09 minutes 39 seconds West, a distance of 0.78 feet;

thence North 14 degrees 25 minutes 42 seconds East, a distance of 2.58 feet to the northeast line of a parcel of land described in Docket 2007-0145918 Maricopa County Records (MCR) and a point of terminus;

Also from "Point B", South 80 degrees 06 minutes 10 seconds West, a distance of 9.90 feet;

thence North 89 degrees 48 minutes 22 seconds West, a distance of 91.93 feet;

thence North 84 degrees 58 minutes 18 seconds West, a distance of 39.66 feet to Point "C";

thence North 01 degrees 11 minutes 16 seconds West, a distance of 1.21 feet to a point of terminus at the center of a 4.17 foot x 6.33 foot equipment pad to be included in this easement;

Also from "Point C", South 01 degrees 11 minutes 16 seconds East, a distance of 3.13 feet;

thence North 89 degrees 42 minutes 07 seconds West, a distance of 43.65 feet;

thence South 76 degrees 53 minutes 15 seconds West, a distance of 9.84 feet to an existing power pole and a point of terminus;

## EXHIBIT-FOR REFERENCE ONLY

Also from Point "A", departing said north line of Section 28, South 00 degrees 36 minutes 36 seconds East, a distance of 44.05 feet;

thence North 89 degrees 44 minutes 50 seconds East, a distance of 28.76 feet;

thence South 80 degrees 28 minutes 05 seconds East, a distance of 9.04 feet;

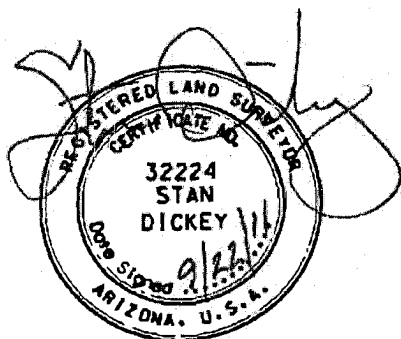
thence South 50 degrees 08 minutes 41 seconds East, a distance of 34.85 feet;

thence South 36 degrees 29 minutes 25 seconds East, a distance of 15.32;

thence North 89 degrees 31 minutes 47 seconds East, a distance of 2.54 feet to the window of an existing 3 foot by 5 foot equipment pad to be included in the easement;

thence continuing North 89 degrees 31 minutes 47 seconds East, a distance of 3.27 feet to the west line of the east 40 feet of said Section 28 and the point of terminus of this description.

END OF DESCRIPTION



REGISTRATION  
EXPIRES: 03-31-13

# EXHIBIT "A"

NOTE: THIS EXHIBIT IS INTENDED TO ACCOMPANY AN EASEMENT, ALL PARCELS SHOWN WERE PLOTTED FROM RECORD INFORMATION, AND NO ATTEMPT HAS BEEN MADE TO VERIFY THE LOCATION OF ANY BOUNDARIES SHOWN. THIS IS NOT AN ARIZONA BOUNDARY SURVEY.  
EQUIPMENT PAD(S) ARE A PART OF THE EASEMENT UNLESS OTHERWISE NOTED.

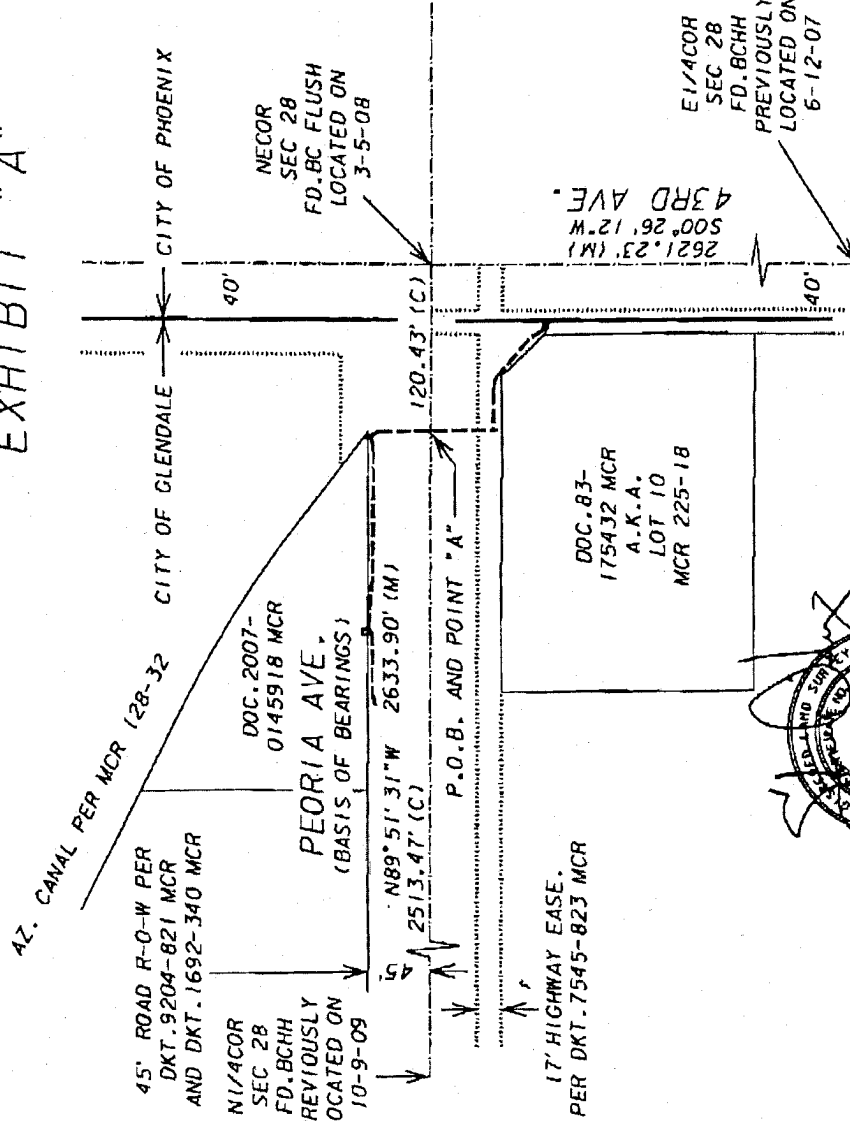
## CAUTION

THE EASEMENT LOCATION AS HEREON DELINEATED MAY CONTAIN HIGH VOLTAGE ELECTRICAL EQUIPMENT, NOTICE IS HEREBY GIVEN THAT THE LOCATION OF UNDERGROUND ELECTRICAL CONDUCTORS OR FACILITIES MUST BE VERIFIED AS REQUIRED BY ARIZONA REVISED STATUTES, SECTION 40-380.21, ET. SEQ., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.

## LEGEND

NOTE: SYMBOLS MAY NOT BE TO DRAWING SCALE, SO AS TO BETTER ENHANCE GRAPHICAL REPRESENTATION

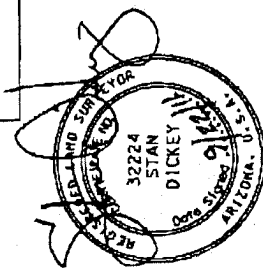
- SECTION AND CENTERLINE
- PROPERTY LINE
- ROAD EASEMENTS
- CENTERLINE OF 8' EASEMENT
- EQUIPMENT PAD



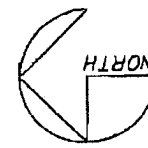
SALT RIVER PROJECT  
AGRICULTURAL IMPROVEMENT  
& POWER DISTRICT

43RD AVE / PEORIA  
SE 1/4, SEC 21, T3N, R2E AND  
NE 1/4, SEC 28, T3N, R2E  
MARICOPA COUNTY, ARIZONA  
UNDERGROUND ELECTRIC POWER LINE R-O-W

SRP JOB NO. RAD-2112-155	PRIOR JOB #'S KJ2-687 / JJ6-40001(5)
DESIGNED T. RINN	DATE 9-22-11
DRAWN G. GREEN	CHECKED BY: <u>GM</u>
AGENT K. BOCKMANN	APPROVED:
SCALE 1"=100'	SHEET 1 OF 3

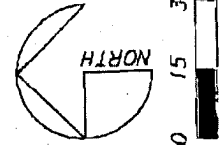
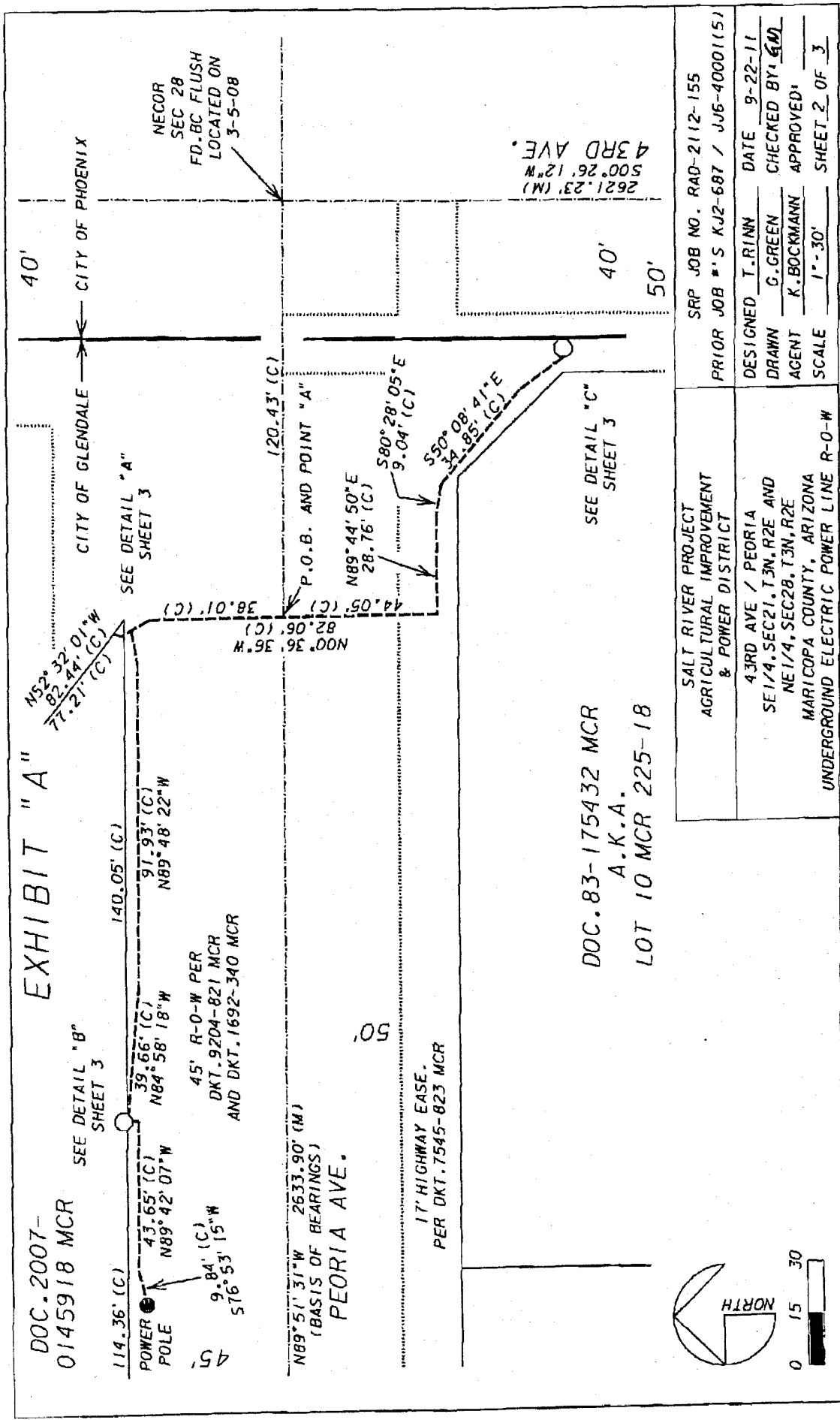


REGISTRATION  
EXPIRES: 03-31-13

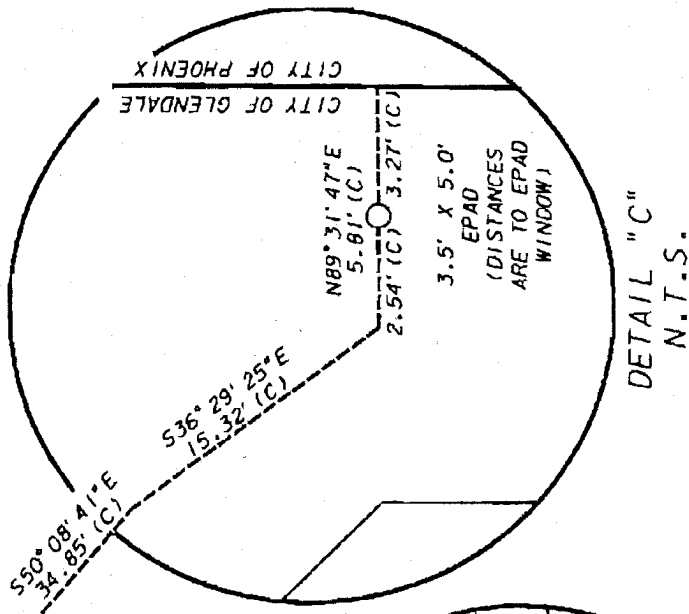
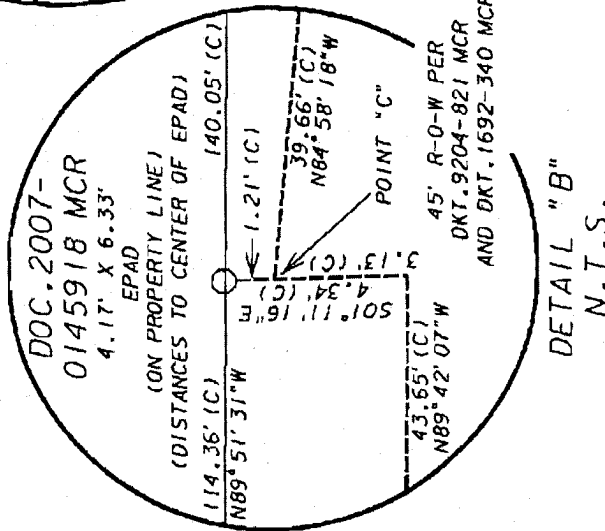




# EXHIBIT-FOR REFERENCE ONLY



SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT 43RD AVE / PEORIA SE 1/4, SEC 21, T3N, R2E AND NE 1/4, SEC 28, T3N, R2E MARICOPA COUNTY, ARIZONA UNDERGROUND ELECTRIC POWER LINE R-O-W	SRP JOB NO. RAD-2112-155 PRIOR JOB #'S KJ2-687 / JJ6-40001(5) DESIGNED T.RINN DATE 9-22-11 DRAWN G.GREEN CHECKED BY: GMD AGENT K. BOCKMANN APPROVED: SCALE 1"=30' SHEET 2 OF 3
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NOT TO SCALE

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT	SRP JOB NO. RAD-2112-155 PRIOR JOB #'S KJ2-687 / JJ6-40001(5)
43RD AVE / PEORIA SE 1/4, SEC 21, T3N, R2E AND NE 1/4, SEC 28, T3N, R2E MARICOPA COUNTY, ARIZONA UNDERGROUND ELECTRIC POWER LINE R-O-W	DESIGNED T.RINN DATE 9-22-11 DRAWN G.GREEN CHECKED BY: <i>RM</i> AGENT K. BOCKMANN APPROVED: _____ SCALE N.T.S. SHEET 3 OF 3

Recorded by:  
City Clerk  
City of Glendale  
5850 West Glendale Avenue  
Glendale, AZ 85301-2599

OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
ELECTRONIC RECORDING  
20111054450,12/22/2011 11:36,  
O2791-11-1-1--,N

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ORDINANCE NO. 2791 NEW SERIES

ELAINE M. SCRUGGS  
MAYOR

ATTEST:

PAMELA HANNA  
City Clerk

STATE OF ARIZONA )  
County of Maricopa ) ss  
City of Glendale )

(SEAL)

APPROVED AS TO FORM:

CRAIG TINDALL  
City Attorney

I, the undersigned, Darcie McCracken, being the duly qualified Deputy City Clerk of the City of Glendale, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2791 New Series is a true, correct and accurate copy of Ordinance No. 2791 New Series, passed and adopted at a regular meeting of the Council of the City of Glendale, held on the 13<sup>th</sup> day of December, 2011, at which a quorum was present and voted in favor of said Ordinance.

REVIEWED BY:

HORATIO SKEETE  
Assistant City Manager

Given under my hand and seal this 22<sup>nd</sup> day of December, 2011.

  
DEPUTY CITY CLERK